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GENERAL NUTRITION CORPORATION

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA, OAKLAND DIVISION

GRADY JACKSON and KELLEY
ALEXANDER, in their representative capacity
pursuant to Cal. Bus. & Prof. Code §§17203,
17535 and Cal. Code Civ. Pro. §§ 382, 1021.5,

Plaintiffs,

vs.

BALANCED HEALTH PRODUCTS, INC., a
Delaware Corporation, NIKKI HASKELL, an
individual, GENERAL NUTRITION
CORPORATION, a Pennsylvania Corporation;
VITAMIN SHOPPE INDUSTRIES, Inc., a New
York Corporation,

Defendants.

Case No. C 08-05584-CW

**STIPULATION AND ORDER TO
CONTINUE HEARING DATE ON
MOTION OF DEFENDANTS VITAMIN
SHOPPE INDUSTRIES, INC. AND
GENERAL NUTRITION
CORPORATION TO DISMISS FIRST
AMENDED COMPLAINT**

IT IS HEREBY STIPULATED AND AGREED by and between Plaintiffs Grady Jackson and Kelley Alexander ("Plaintiffs") and Defendants Balanced Health Products, Inc. ("BHP"), Nikki Haskell, General Nutrition Corporation ("GNC"), and The Vitamin Shoppe Industries, Inc. ("Vitamin Shoppe"), through their respective counsel, as follows:

1. On March 31, 2009, Vitamin Shoppe and GNC filed a Motion to Dismiss Plaintiffs' First Amended Complaint. The hearing on that motion is currently set for May 14, 2009.

2. On April 14, 2009, Nikki Haskell filed a Motion to Dismiss Plaintiffs' First Amended Complaint. The hearing on that motion is currently set for June 4, 2009.

3. On April 15, 2009, BHP and Nikki Haskell joined in the Motion of Vitamin Shoppe and GNC to Dismiss Plaintiffs' First Amended Complaint.

4. In the interest of efficiency, the parties respectfully request that the hearings on the pending motions be consolidated and that the hearing on the Motion of Vitamin Shoppe and GNC to Dismiss Plaintiffs' First Amended Complaint therefore be continued to June 4, 2009. Any dates for Opposition and Reply shall be calculated according to June 4, 2009, and not the original date of hearing.

Dated: April 16, 2009

PINNACLE LAW GROUP, LLP

By: /s/ Eric Farber

Eric J. Farber

Attorneys for Plaintiffs

GRADY JACKSON and KELLEY
ALEXANDER

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By: /s/ Katherine Keating

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Attorneys for Defendant

VITAMIN SHOPPE INDUSTRIES, INC.

By: /s/ David Gernsbacher

David Gernsbacher

Attorney for Defendants

BALANCED HEALTH PRODUCTS, INC.
and NIKKI HASKELL

MCGUIRE WOODS LLP

By: /s/ Sidney Kanazawa

Sidney K. Kanazawa

Attorneys for Defendant

GENERAL NUTRITION
CORPORATION

PURSUANT TO STIPULATION, IT IS SO ORDERED:

4/21/09

Dated: _____



United States District Judge

STIPULATION TO CONTINUE HEARING DATE ON MOTION TO DISMISS; [PROPOSED] ORDER

CASE NO. C 08-05584-CW

ATTESTATION OF CONCURRENCE IN FILING

Pursuant to N.D. Cal. General Order No. 45, section 45 X(B), Katherine Keating hereby attests that concurrence in the filing of this stipulation and proposed order has been obtained from Counsel for the non-filing parties.

HOLME ROBERTS & OWEN LLP

By: /s/ Katherine Keating
Katherine Keating

Attorneys for Vitamin Shoppe Industries, Inc.